

REMARKS

The Office Action dated April 7, 2004 has been carefully reviewed. Claims 1-16 are pending in this patent application. By this amendment, claims 17-22 have been added. Reconsideration of this application, as amended, is respectfully requested.

35 U.S.C. § 103 Rejection

Claims 1-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Crabtree et al. (U.S. Patent No. 6,295,367) in view of Cataline et al. (U.S. Patent Application Publication No. 2002/0116331). Reconsideration of claims 1-16 is respectfully requested.

Discussion Regarding Patentability of Claim 1

Proposed Combination of Crabtree/Cataline

In the April 7, 2004 Office Action (at page 3, second to last line through page 4, line 1), it was stated that:

it would have been obvious ... to have included the optional communications of Cataline in Crabtree

Further, in the April 7, 2004 Office Action (see page 3, lines 16-17), "optional communications" was apparently equated with Cataline's bill paying and funds transferring activity. Thus, it appears that the proposed combination is to modify Crabtree's video tracking system and banking machine system so that the banking machine would now be able to pay bills and transfer funds in the manner set forth in Cataline. And presumably, this resulting Crabtree/Cataline system

would be further modified so that Crabtree/Cataline's banking machine would only be operable to pay bills and transfer funds when the data obtained by the video tracking system indicates that the queue line is short enough.

There Exists No Teaching, Suggestion, or Incentive which Supports Combining Crabtree and Cataline in a Manner which Arrives at the Invention of Applicant's Claim 1

Firstly, the type of funds transferring and bill paying system contemplated by Cataline is one that is operated from one's *home* through a personal computer or the like (see Cataline at paragraph 0003, lines 2-6), and not through a commercial banking machine such as an ATM. Thus, one skilled in the art would not be motivated to implement Cataline's home-used system in a commercial banking machine such as an ATM.

Moreover, neither Crabtree nor Cataline discloses or suggests altering banking machine functionality available to a current user based on the size of a queue line of potential users waiting to use the banking machine after the current user is finished. Clearly Cataline does not disclose or suggest this feature. And Crabtree merely appears to be related to *data gathering*. Indeed, Crabtree is concerned with monitoring (or tracking) the behavior of consumers in various locations of a retail establishment. Accordingly, Crabtree further does not provide the necessary motivation to one skilled in the art.

It is axiomatic that obviousness cannot be established by combining/modifying the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination/modification. Neither Crabtree nor Cataline (nor any other cited reference) provides any teaching, suggestion or incentive that supports the proposed combination/modification. Consequently, a *prima facie* case of

obviousness under 35 U.S.C. § 103 has not been established with regard to Applicant's invention of claim 1.

Discussion Regarding Patentability of Claims 2-6

Each of claims 2-6 depends directly or indirectly from claim 1. As a result, each of claims 2-6 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 1. Moreover, each of claims 2-6 adds further novel and non-obvious limitations.

Discussion Regarding Patentability of Claim 7

The discussion relating to the patentability of claim 1 is relevant to the patentability of claim 7. As a result, claim 7 is allowable over the cited art.

Discussion Regarding Patentability of Claims 8-12

Each of claims 8-12 depends directly or indirectly from claim 7. As a result, each of claims 8-12 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 7. Moreover, each of claims 8-12 adds further novel and non-obvious limitations which are not taught or suggested by the prior art.

Discussion Regarding Patentability of Claim 13

The discussion relating to the patentability of claim 1 is relevant to the patentability of claim 13. As a result, claim 13 is allowable over the cited art.

Discussion Regarding Patentability of Claims 14-16

Each of claims 14-16 depends directly or indirectly from claim 13. As a result, each of claims 14-16 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 13. Moreover, each of claims 14-16 adds further novel and non-obvious limitations.

Newly Added Claims 17-22

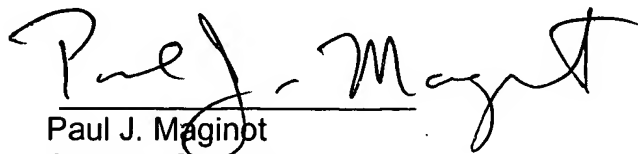
Newly added claims 17-22 recite novel and nonobvious limitations. Thus, each of claims 17-22 is allowable over the cited art.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

A handwritten signature in black ink, appearing to read "Paul J. Maginot", written over a horizontal line.

Paul J. Maginot
Attorney for Applicant
Registration No. 34,984

July 7, 2004

Maginot, Moore & Beck
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
Phone: (317) 638-2922
Fax: (317) 638-2139